

REMARKS

Claims 1 to 12 are pending in the application.

Rejection under 35 U.S.C. 102

Claims 1-3, 5-8, 10-11 stand rejected under 35 U.S.C. 102(b) as being anticipated by *Hirschkoff* (US 4,026,392).

The present invention concerns a safety device for a trimmer that has a working part, comprising a cutting tool and a drive, a guide part comprising a guide shaft, and a drive motor arranged on a first end of the guide shaft, wherein a second end of the guide shaft is provided with a drive connection to the working part for drivingly connecting the drive motor to the drive of the working part, wherein the working part is pivotable relative to the guide part to angularly position the working part relative to the guide shaft for positional adaptation of the working part to an area to be worked on. The safety device comprises a drive cutoff mechanism for switching off the drive of the working part when an angle between the working part and the guide part is within a predetermined pivot angle range. The added features are disclosed in paragraphs 0004, 0005, 0018 of the specification.

The examiner argues that the cited reference shows a trimmer with working part 3 with a cutting tool (saw member) and a drive. A guide part 10 with a guide shaft 10a is shown (Fig. 1) and a drive connection by engagement member 12 is provided for connecting a drive motor 2 to the drive (driving means 4) of the working part. The examiner further argues that the working part 3 is pivotable relative to the guide part about pivot pin 11 (Figs. 1 and 2). According to the examiner, the cited reference also discloses a safety device comprising a drive cut off mechanism (comprising elements 12, 18, 35, and 29) that brakes the drive (interpreted by the Examiner as switching off the drive) when the angle between the working part and the guide part is within a predetermined range, the range being illustrated by the two positions shown in Fig. 1 and Fig. 2.

The chain saw of *Hirschkoff* has a motor 2 connected to driving means 4 that provide a driving connection between the motor 2 and the chain saw 3. A safety brake is provided that comprises a safety handle 10 with a transverse portion 10a. The safety brake includes brake band 12 encircling clutch drum 7. The brake band 12 is connected with a

- 4 -

7/5/06: Amd for Ser. No. 10/708,557 - Inventor(s): Matsuura - Filing Date: 3/11/2004

first end to the motor housing 15 and with the second end to the safety handle 12. When the safety handle 10 is moved by the operator about pivot 11, the brake band tightens about the clutch drum and brakes the clutch drum 7 and the chain saw.

The invention as claimed sets forth that the guide part has a first end and a second end, wherein the first end is connected to the drive motor and the second end has a drive connection to the working part for drivingly connecting the drive motor to the working part. Examiner interprets the safety handle 10 as the guide part and the transverse part 10a as a guide shaft. Clearly the transverse part does not have a motor connected to the first end and a drive connection connected to the second end. There is only a connection of the guide part 10 to the brake band 12.

The brake band 12 is not part of the drive connection that drivingly connects the motor to the saw chain. The driving connection 4 between the motor 2 and the saw does not require the brake band; the driving connection is established by the centrifugal clutch 5 having a clutch shoe 6 driven by the motor 2 and the clutch drum 7 that is connected to the saw means 3. The brake band is part of the "drive cut-off mechanism" and not of the drive connection drivingly connecting the drive motor and the working part.

The invention as claimed also sets forth that the working part is pivotable relative to the guide part to angularly position the working part relative to the guide shaft for positional adaptation of the working part to an area to be worked on. As set forth in the specification, it is expedient to angularly position the working part relative to the guide shaft for positional adaptation of the cutting tool to the topography of the area to be worked on provided with vegetation to be trimmed, for example, grass, lawn, or hedges. The guide shaft and the working part are therefore pivotably connected to one another so that the working part can be rotated relative to the guide shaft about a freely selectable angle, i.e., the relative pivoting is part of the normal operation of the trimmer in order to facilitate holding and guiding the trimmer in a comfortable position for carrying out trimming work.

The safety handle *Hirschhoff* does not provide for adjusting the working part relative to the guide part in such a way that the position of the working part can be adapted to the terrain or the object to be trimmed. The actuation of the safety handle stops operation of the saw and it is not possible to position safety handle and working part in such a way

- 5 -

7/5/06: Amd for Ser. No. 10/708,557 - Inventor(s): Matsuura - Filing Date: 3/11/2004

relative to one another that the working part is positionally adapted to the area to be worked on. In order to be able to operate the saw, the safety handle must always be in the position shown in Fig. 1.

Claim 1 as amended is therefore not anticipated by or obvious in view of *Hirschkoff*

In regard to claim 7, the examiner states that the rotary driving direction of the drive member is opposite to the rotational direction of the engagement section and points out that according to Fig. 2 the drive member (clutch drum 7) must rotate clockwise and that this is opposite to the direction of the counterclockwise rotation of the brake band 12 that is being lifted by pin 14.

This is incorrect. The band 12 is connected with a first end 14 by pin mounting 13 to the housing. Pin 13 and the end 14 of the band are stationary (see col. 3, lines 62-65). The second end 17 of the band 12 is connected to pin 16. Pin 16 is mounted on part 10b of the handle 10 and is moved (rotated clockwise) when the handle 10 is moved into the brake position (see col. 3, line 66, to col. 4, line 11; compare Figs. 1 and 2). Therefore, the clutch drum 7 and the band 12 are "rotated" in the same direction and not in opposite directions.

Claim 7 is not anticipated by or obvious in view of *Hirschkoff*.

Reconsideration and withdrawal of the rejection of the claims 1-3, 5-8, 10, 11 pursuant to 35 USC 102(b) are therefore respectfully requested.

Rejection under 35 U.S.C. 103

Claim 9 stands rejected under 35 U.S.C. 103(a) as being unpatentable over *Hirschkoff* (US 4,026,392) and *Richards* (US 2004/0035009).

Claim 9 is believed to be allowable as a dependent claim of claim 1.

ALLOWABLE SUBJECT MATTER

Claim 4 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

New claim 12 is presented herewith that is a combination of the features of original claims 1 and 3 and allowable claim 4 and should thus be allowable

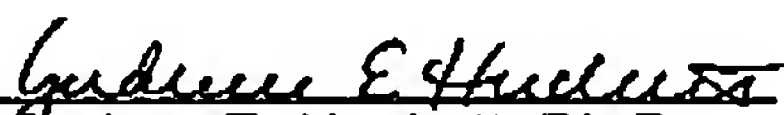
CONCLUSION

In view of the foregoing, it is submitted that this application is now in condition for allowance and such allowance is respectfully solicited.

Should the Examiner have any further objections or suggestions, the undersigned would appreciate a phone call or e-mail (gudrun.draudt@t-online.de) from the examiner to discuss appropriate amendments to place the application into condition for allowance.

Authorization is herewith given to charge any fees or any shortages in any fees required during prosecution of this application and not paid by other means to Patent and Trademark Office deposit account 50-1199.

Respectfully submitted on July 5, 2006,


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- 7 -

7/5/06: Amd for Ser. No. 10/708,557 - Inventor(s): Matsuura - Filing Date: 3/11/2004